

1 I N D E X

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3 TUESDAY, APRIL 30, 2019

4 NICOLE GUERRIERO

5 DIRECT CROSS REDIRECT RECROSS

6 By Ms. King 4

7 By Ms. Reid (No questions asked.)

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10 E X H I B I T S

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12 RESPONDENT'S DESCRIPTION ID'D MARKED

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14 (No exhibits marked.)

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17

18 C E R T I F I E D Q U E S T I O N

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20 Page 70, Line 2

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24 Signature letter to Andrea Reid, Esq.

25 Errata Sheet (to be forwarded on execution)

1 The deposition of NICOLE GUERRIERO, the
2 Petitioner in the above-entitled and numbered cause,
3 was taken before me, Beth L. Kelly, Florida
4 Professional Reporter, Notary Public for the State
5 of Florida at Large, at Law Offices of Nellie L.
6 King, PA 319 Clematis Street, Suite 107, in the City
7 of West Palm Beach, County of Palm Beach, State of
8 Florida, on Tuesday, the 30th day of April, 2019.

9

10 APPEARING ON BEHALF OF PETITIONER:

11 ANDREA REID, ESQ.
12 THE REID LAW GROUP
13 2101 NW Corporate Boulevard, Suite 410
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16

17 APPEARING ON BEHALF OF RESPONDENT:

18 NELLIE KING, ESQ.
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20 319 Clematis Street, Suite 107
21 West Palm Beach, FL 33401
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1 THEREUPON,

2 NICOLE GUERRIERO,

3 having been first duly sworn by me, was examined and
4 testified as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MS. KING:

8 Q. Can you state your name for the record?

9 A. Nicole Guerriero.

10 Q. Okay. And where do you work?

11 A. Delray Beach Police Department.

12 Q. And how long have you been there?

13 A. It will be 20 years in September.

14 Q. And prior to that, where did you work?

15 A. That's a long time ago.

16 Q. Did you have law enforcement jobs before
17 that?

18 A. No.

19 Q. Always been with Delray Beach PD as far as
20 kind of your career path?

21 A. For law enforcement. I was a social
22 worker in New York for a year and a half.

23 Q. Okay. In what area?

24 A. Victim services.

25 Q. What year was that?

1 A. It was after I graduated from college. So
2 I'll say '90 -- I graduated from college in '97. So
3 between '97 and '99.

4 Q. Okay.

5 A. I don't know the exact date, but ...

6 Q. So how long did you work in victim
7 services?

8 A. A year and a half.

9 Q. And what were your responsibilities?

10 A. I worked in the courthouse. I assisted
11 victims in court, just stood by with them in court.

12 Q. Did you help them fill out restraining
13 order paperwork and those sorts of things?

14 A. Yes.

15 Q. Okay. So you're well familiar with that
16 process?

17 A. Yes.

18 Q. Were the rules in New York or the laws in
19 New York for those sorts of things similar to what
20 we utilize in Florida as far as restraining order
21 process and applications?

22 A. I can't speak to the laws. I can just
23 tell you the process.

24 Q. Okay. Well, is the process similar since
25 you filled out the paperwork in Florida?

1 A. Yes.

2 Q. The paperwork in New York or the process
3 is similar to what you went through here?

4 A. Similar.

5 Q. And where did you go to college?

6 A. I started off at Nassau Community College
7 and then finished my bachelor's degree at FAU.

8 Q. Okay. And what year was that?

9 A. 1997 is when I graduated from FAU.

10 Q. And what's your degree in?

11 A. Social work.

12 Q. Okay. And have you ever in the course of
13 your career had negative internal affairs reports or
14 any sort of substantiated IA claims against you?

15 A. Not to my knowledge.

16 Q. Have you ever been arrested?

17 A. No.

18 Q. Okay. What is your address?

19 A. My address is confidential.

20 Q. Because of your role as a police officer?

21 A. Correct.

22 Q. Fair to say that Bethany knows your
23 address?

24 A. She does.

25 Q. All right. You haven't moved since that

1 time period?

2 A. No.

3 Q. Okay. Your role in Delray Beach Police
4 Department, what is your responsibility or where are
5 you assigned right now?

6 A. Road patrol.

7 Q. Do you have any status as far as rank with
8 Delray Beach other than road patrol?

9 A. I'm a lieutenant.

10 Q. Okay. And are you still over the internal
11 affairs?

12 A. No.

13 Q. When did your job responsibilities shift
14 from being the head of internal affairs to road
15 patrol?

16 A. Last week, I think.

17 Q. Okay. And what was the reason for that?

18 A. We got a new chief and he changed
19 assignments for the lieutenants.

20 Q. Okay. Well, let's back up. How long were
21 you the head of internal affairs for the department?

22 A. Eight months.

23 Q. And who is the new chief there?

24 A. Javaro Sims.

25 Q. And do you know how he spells his first

1 name?

2 A. J-A-V-A-R-O.

3 Q. Was Javaro -- and is it S-I-M-M-S or one
4 M?

5 A. One M.

6 Q. Was Javaro Sims involved in the department
7 prior to his rise to the rank of chief or was this a
8 national search and he was brought in from somewhere
9 else?

10 A. He was assistant chief prior to his
11 promotion.

12 Q. Okay. So he knew you for what period of
13 time prior to your demotion to road patrol?

14 A. I was not demoted.

15 Q. Prior to your reassignment to road patrol,
16 how long did he know you?

17 A. I don't -- he's worked in the agency for
18 as long as I have.

19 Q. Okay. Did you have any negative
20 performance reviews or evaluations in the time
21 you've worked for Delray Beach Police Department?

22 A. Not to my knowledge.

23 Q. Tell me in your role as the head of
24 internal affairs what your responsibilities were.

25 A. I was responsible for investigating cases

1 that were assigned to me by the chief and I oversaw
2 our IA program and I oversaw public records and --
3 that was pretty much it.

4 Q. What is the training that goes into that
5 position?

6 A. Can you be more specific?

7 Q. Do you have to have specialized training
8 to become the head of internal affairs?

9 A. You get -- if you're appointed to internal
10 affairs, you take classes to help you with the
11 position.

12 Q. Okay. And what classes did you take in
13 order to become the head of internal affairs?

14 A. I took an FBI LEEDA class.

15 Q. What kind of class?

16 A. FBI LEEDA, which is leadership classes.
17 They had an internal affairs class.

18 Q. Is that L-E-D-A or L --

19 A. L-E-E-D-A.

20 Q. Do you know what that stands for?

21 A. Not off the top of my head.

22 Q. Okay.

23 A. I took -- I'd have to look at my file. I
24 don't -- I've taken so many classes, I don't
25 remember specifically what classes I took for

1 internal affairs.

2 Q. Okay. But more than one? More than the
3 FBI class?

4 A. Yes, more than one.

5 Q. And then are you trained as far as
6 protocols in writing up the complaints that come
7 through the department, et cetera?

8 A. That's not what I do. I don't write up
9 the complaints.

10 Q. But did you have to take classes in that?
11 In other words, how to analyze or review the
12 paperwork that comes through?

13 A. No.

14 Q. How about standards for review of
15 complaints?

16 A. No.

17 Q. What did the courses cover that you took?

18 A. Investigating, internal affairs
19 investigations.

20 Q. Do you have a good command of the internal
21 operating procedures for Delray Beach Police
22 Department?

23 In other words, the SOPs or other
24 administrative rules or regulations?

25 A. I am aware of a lot of them, but I don't

1 -- there's a lot of them, so I don't know each
2 specifically.

3 Q. What is the SOP for conflicts of interest
4 within a department?

5 In other words, are there cases that
6 Delray Beach would say, you know what, maybe we
7 shouldn't investigate this, we should bring in an
8 outside agency?

9 A. A police involved shooting.

10 Q. Okay. Any other types of cases where
11 perhaps another agency should be involved?

12 A. I don't believe other than police involved
13 shooting that there is a general order in place to
14 dictate that. I think it's a case by case basis.

15 Q. In this situation, and we'll get to the
16 specifics of the police report from 2017, you were
17 the head of internal affairs at that time; is that
18 right?

19 A. Not in 2017.

20 Q. What was your role when this police report
21 was created back in -- I'm assuming you were a
22 lieutenant at that time?

23 A. Yes.

24 Q. Okay. How long have you had the rank of
25 lieutenant?

1 A. I believe it will be four years in
2 September.

3 Q. So in September of 2017 you were a
4 lieutenant?

5 A. Correct.

6 Q. And this officer here, Bethany -- or,
7 excuse me, Stephanie Kearney, later Baker; is that
8 right?

9 A. Yes.

10 Q. What was her rank?

11 A. Detective.

12 Q. Okay. Was she at that time under you as
13 far as chain of command?

14 A. No.

15 Q. How did it work as far as hierarchy?

16 A. She had a lieutenant that she reported to
17 in the investigative division, which was not me.

18 Q. And who was that lieutenant?

19 A. I don't know.

20 Q. Is there anything about the fact that
21 you're asking your own department to investigate
22 your then wife that would be out of operating
23 procedure for the department?

24 A. Not to my knowledge.

25 Q. And why is that?

✓ 1 A. I'm a victim. I live in the jurisdiction
2 and so did she.

3 Q. So have you ever had any conversation with
4 your department that maybe this was not the case for
5 them to be handling given the personal relationship
6 you had with the suspect?

7 A. No.

8 Q. Okay. Anything having to do with the fact
9 that you're now not the head of internal affairs,
10 does any of that have to do with this case or this
11 situation?

12 A. No. My assignment to internal affairs was
13 a temporary assignment while we were going through
14 transition with our chiefs. So it was never
15 expected to last longer than the temporary
16 assignment of the chiefs.

17 Q. Anything in your mind when you were going
18 through this with the detective or her lieutenant
19 that said, wait a minute, maybe I shouldn't be
20 utilizing my own department to investigate my wife?

21 A. No.

22 Q. Never had second thoughts about that?

23 A. I did not, no.

24 Q. Is the current chief aware of this case?

25 A. He is.

1 Q. And what does he know about this?

2 A. You'd have to ask him.

3 Q. Well, what did you tell him?

4 A. I did not speak to him. I did it through
5 my chain of command.

6 Q. So who in your department knows about this
7 case?

8 A. My assistant chief, Sapino.

9 Q. Okay. And how does he spell his last
10 name?

11 A. S-A-P-I-N-O.

12 Q. And what did you advise him?

13 A. From the beginning, I told him what was
14 happening between Beth and I and just kept him up to
15 date as things went on.

16 Q. And did you do that by e-mail?

17 A. No.

18 Q. Phone call? Meeting?

19 A. In person.

20 Q. Okay. And who else in your department
21 knows about it other than Baker/Kearney and her
22 lieutenant?

23 A. My former chief -- my former assistant
24 chief, Olsen.

25 Q. And who else?

1 A. I believe my captain at the time knew.

2 Q. And what was your purpose in telling them
3 about it?

4 A. At that time I feared that Beth would hurt
5 me and I feared that she would do anything to try
6 and hurt me in anyway. So I made them aware of what
7 was going on as like a heads up to them that this
8 was going on in my life and I thought that they
9 should know.

10 Q. This was in 2017?

11 A. Correct.

12 Q. Okay. And so your fear about being harmed
13 by her was at a period of time when you were still
14 married to her?

15 A. When we were separated.

16 Q. And isn't it true that you've apprised
17 your attorney that you never feared Bethany?

18 A. That is not true.

19 Q. That the restraining order wasn't because
20 you feared physical violence?

21 A. I thought she would kill me. So if you
22 consider that physical violence then, yes, that's
23 what I feared.

24 Q. What did she state or do to you to
25 indicate to you that she would kill you?

1 A. It wasn't what she stated. It was her
2 impulsive behavior that she's shown throughout the
3 marriage and throughout the separation and things
4 that she's said to me in text messages and the way
5 that she has acted towards me that put me in fear.

6 Q. Okay. It's fair to say that she's never
7 threatened to kill you?

8 A. She didn't directly say that she would
9 kill me, but she said I would get mine and has made
10 statements like that that led me to believe that she
11 wanted to harm me.

12 Q. Okay. Can you show me the text message
13 where she's threatened you or give me a date?

14 A. I mean, not right this second because
15 there's 46,000 text messages between us, but if you
16 want me to look through them, I can let my attorney
17 know.

18 Q. When those things happened -- you've
19 mentioned one text message out of 46,000 -- you
20 continued to message her, correct?

21 A. Only when she started the messaging.

22 Q. Out of 46,000 e-mails, have you counted
23 how many were actually yours?

24 A. No.

25 Q. You don't cut off the communication,

1 right?

2 A. I do tell her stop texting me numerous
3 times. I've told her -- even numerous times in one
4 text message I've told her to stop texting me, stop
5 contacting me, only contact me if it's about our
6 child.

7 Q. And at one point in time there was
8 actually kind of an indication of divorce and then
9 there was a period where that was taken back and you
10 didn't follow through with the divorce?

11 A. Incorrect, incorrect.

12 Q. No, you never contacted an attorney -- or
13 your tax accountant to say, no, we need to stay
14 married for a tax credit?

15 A. No, we -- Beth and I discussed that we
16 would -- she -- Beth and I discussed that we would
17 collect the tax money for the year. At one point
18 she said she did not want to do that. So I said
19 that was fine, whatever she wanted to do. And then
20 I actually believe I have e-mails saying that she
21 did want to collect the adoption credit for K [REDACTED].

22 The tax lawyer was the one who said we
23 needed to be married in order to collect it. So I
24 never pushed her to stay married. If anything, it
25 was the opposite way. It was the other way around.

1 Q. So the e-mails would substantiate that you
2 had no part of that?

3 A. The e-mails would substantiate that she
4 was a part of that.

5 Q. Okay. But it wasn't your idea to stay
6 married, you wanted to act right away, right?

7 A. I filed in August of 2017 wanting out of
8 the marriage.

9 Q. When did you first hire the divorce
10 attorney to get out of the marriage?

11 A. I believe it was also August 2017.

12 Q. So you never had communications with your
13 accountant or with Bethany saying we need to stay
14 married?

15 A. As I stated, there were e-mails from my --
16 I don't know if they were e-mails or not. I don't
17 remember the type of communication. But, yes, we
18 discussed that if we were not married that we would
19 not get the -- I think it was \$8,000 tax credit.
20 And there are several e-mails back and forth between
21 Bethany -- I believe it was e-mails -- Bethany and
22 me talking about that.

23 Whether or not I insisted on being
24 married, I mean, I would have to see the e-mails to
25 see what the language is, but I filed in August of

1 2017 with the intent to divorce as soon as possible.

2 If that meant no tax credit, then so be it.

3 Q. Okay. So who was your divorce attorney?

4 A. Melissa Murray.

5 Q. And when -- when did you meet Bethany?

6 A. The very first time?

7 Q. Uh-huh.

8 A. I think it was 2011. I believe it was
9 2011, July.

10 Q. Let me back up from there. Have you ever
11 been married before?

12 A. Yes.

13 Q. Okay. Who was the first person you were
14 married to?

15 A. Gerry Rich -- Gerry Riccio.

16 Q. How does he spell his name?

17 A. R-I-C-C-I-O.

18 Q. And how long did that marriage last?

19 A. A year and a half.

20 Q. And is he in Palm Beach County?

21 A. Yes.

22 Q. Does he remain in Palm Beach County?

23 A. I believe so.

24 Q. Okay. What does he do?

25 A. He's a police officer.

1 Q. With which department?

2 A. Delray Beach Police.

3 Q. You work with him now?

4 A. We work in the same agency.

5 Q. Okay. Was that an amicable divorce?

6 A. Yes.

7 Q. Did you have any children out of that
8 marriage?

9 A. No.

10 Q. You then indicated you met Bethany in
11 2011?

12 A. Correct.

13 Q. Okay. How did you meet Bethany?

14 A. At an Explorer boot camp.

15 Q. What is that? A law enforcement event or
16 something?

17 A. Yeah. We teach kids how to do law
18 enforcement skills. We give them -- it's like a
19 leadership boot camp.

20 Q. And then when did you get married?

21 A. 2014, I believe.

22 Q. Okay. Did you have a period where you
23 lived together before you got married?

24 A. Yes.

25 Q. And when was that?

1 A. I don't know the exact day she moved in,
2 but she moved into my townhouse.

3 Q. Do you know what year?

4 A. I don't remember when. I remember it was
5 in January, but I don't remember. Maybe 2012. I'm
6 not a hundred percent on the date.

7 Q. Okay. And so when in the course of the
8 relationship did things start to get to the point
9 where you said I'm afraid of this person?

10 A. I don't know if there was one specific
11 date, but what started to make me nervous was when
12 she told me that she had been Baker Acted. So that
13 made me a little bit nervous because I had seen some
14 impulsive behavior on her behalf, and when she said
15 that she had been Baker Acted that worried me.

16 Q. When did she tell you that?

17 A. That was pretty early on in the
18 relationship. Maybe 2012, somewhere around there.

19 Q. Before you got married?

20 A. Yes.

21 Q. Okay. So my particular question though is
22 you've indicated there's an e-mail or a text message
23 where you felt threatened by this person. When did
24 that start? When did you decide you were afraid of
25 this person?

1 A. I mean, it started pretty soon after we
2 separated because she wouldn't stop, basically just
3 wouldn't stop.

4 Q. Wouldn't stop what?

5 A. Texting, tracking me, tracking my
6 WhatsApp, tracking people in my life. She just was
7 just to obsession.

8 Q. So my question to you is --

9 A. There's not --

10 Q. Because you were married -- you were
11 married in 2014, right?

12 Did this sort of stuff predate that? When
13 did the communication start where you were like all
14 of a sudden I don't know who this person is?

15 A. It wasn't all of a sudden. As you know,
16 things don't happen just all of a sudden. There's a
17 build up. There's things that you know. There's
18 patterns that you see. There's things that happen
19 that all in the end make you fearful, and that's how
20 that happened.

21 All the behaviors that I saw while we were
22 married, all the things that she did, the way she
23 handled things and then the way she handled the
24 separation all compounded the fear that I felt.

25 Q. Well, in the police report, when do you

1 start logging what you then decide to put into the
2 report as far as your collection of activity that
3 comes to the point of too much communication?

4 A. In 2017 was the beginning.

5 Q. In what month?

6 A. It all -- it started in April, but it
7 started to get really bad in July.

8 Q. Okay. So April -- is it your testimony
9 that April of 2017 is when you decided to
10 communicate -- well, you were living together at
11 that point, right?

12 A. We were living together, but we were in
13 separate rooms.

14 Q. You got married in February and -- in
15 February of 2014. There comes a point in time where
16 you then decide to adopt a child; is that right?

17 A. Correct.

18 Q. And the adoption of K [REDACTED] was finalized
19 in what month?

20 A. February.

21 Q. Of what year?

22 A. 2017.

23 Q. So through that process you would have had
24 to go through a DCF investigation, right?

25 A. Correct.

1 Q. You would have had to submit a lot of
2 paperwork and documentation about not only your
3 history, but the history of your relationship with
4 her, right?

5 A. Correct.

6 Q. And you would have had to ultimately go in
7 front of a judge as well as also probably compile
8 lots of background check documentation --

9 A. Correct.

10 Q. -- for the report, right?

11 A. Uh-huh.

12 Q. How many hours do you think all of that
13 process took as far as paperwork and background
14 investigations?

15 A. I don't know.

16 Q. Throughout that process which led up to an
17 adoption in February of 2017, is there any
18 indication you make to the Court I'm not sure about
19 who this person is, I think she's been Baker Acted,
20 I don't like this anymore, she's unstable?

21 A. No, because Beth never reported to our
22 agency that she had been Baker Acted. So at that
23 time I was concerned that she would then lose her
24 job. And we had already been fostering K [REDACTED]
25 prior to. It wasn't just an adoption where we just

1 met her and we decided to adopt her.

2 Q. But you don't indicate to the court that
3 there's any reservation in your mind about Bethany's
4 stability to bring in not only someone that you're
5 married to, but to now bring a child into that
6 situation, right?

7 A. Correct.

8 Q. In fact, at any point in time, I mean when
9 you're talking to DCF and doing this paperwork, are
10 you lying about who you're married to or you just
11 hadn't decided at that point that this was not going
12 to work out?

13 A. No, at that time she wasn't incessantly,
14 obsessively texting me, you know, calling me names,
15 threatening me, doing the things that she had done
16 between 2017 and 2019.

17 Q. Well, the report -- you go to the
18 detective, Kearney, in September of 2017; is that
19 right?

20 A. Uh-huh.

21 Q. Okay. So -- you have to answer yes or no.

22 A. Yes.

23 Q. So in the course though, if we back up,
24 when you adopted K [REDACTED], that's February.
25 Literally a month and a half after the adoption is

1 when you indicate you're done with the marriage,
2 right?

3 A. Correct.

4 Q. Did you ever notify DCF and say, you know,
5 this might be a probationary period, we have a new
6 child in the home to say, look, I'm not with her
7 anymore?

8 A. No, I -- we didn't get hired to care for
9 her. We were her parents. So there's no
10 probationary period or a time where we have to tell
11 them that something didn't go the way that it had
12 been planned.

13 Q. Right.

14 So fair to say though that the separation
15 literally was a month and a half after you adopted
16 K[REDACTED]?

17 A. Yes.

18 Q. April was also the month that your friend
19 or girlfriend Braswell was killed in the Keys?

20 A. My friend and co-worker, correct.

21 Q. Okay. So I've read the text messages from
22 that time period and it indicates that you were
23 actually in counseling at that point in time, right?

24 A. After she died.

25 Q. So tell me the extent of the counseling

1 you've received either at that time or any other
2 time in your career?

3 A. I don't feel comfortable discussing what
4 I --

5 Q. Not the content. You just accused my
6 client of being Baker Acted and kind of off the
7 chain. So my question to you is mentally and
8 emotionally, you had to seek help during that time
9 period, correct?

10 A. Because of what I saw when Christine died.

11 Q. And how -- are you still in counseling to
12 this day?

13 MS. REID: You can disclose if you're in
14 counseling.

15 THE WITNESS: Yes.

16 BY MS. KING:

17 Q. How often do you treat?

18 A. Once a week or once every -- actually it's
19 like more once every two weeks.

20 Q. And from my -- and, of course,
21 communication goes more than just text messaging.
22 Obviously you're living together at that point. It
23 seemed like the time period where it hit its --
24 where it went from, you know, a happy relationship
25 with a nine year old adopted child newly in the home

1 to Bethany being told you're done was literally
2 within the week of the death of Ms. Braswell?

3 A. That's not true. I -- and there's even
4 text messages where she acknowledges that prior to
5 that I had told her that I wasn't happy and I had
6 asked her to seek therapy and to make some changes.
7 So it was prior to that.

8 Q. How much before that?

9 A. I don't know. I had told her more than
10 once that I wasn't happy.

11 Q. Did you indicate those things when you
12 were discussing the stable relationship you had with
13 DCF to adopt K [REDACTED]?

14 A. No.

15 Q. Why did you not disclose that to the
16 state?

17 A. I thought it would get better.

18 Q. So if I pulled those records where they
19 ask about the nature of your relationship, those are
20 accurate or inaccurate?

21 A. At the time that's how I felt. So they're
22 accurate.

23 Q. So when you indicate in April that it's
24 done, I guess there's some arrangement then who's
25 going to stay in the home or what have you, right?

1 A. It's my home. I own it.

2 Q. Okay. But you have to have some
3 conversation about how this is going to work, you
4 just brought a child into the home, right?

5 A. Correct.

6 Q. During that period, is it fair to say that
7 Bethany knew that this was coming?

8 Could she see this coming, especially if
9 the adoption was a month before?

10 A. I can't speak to what Bethany knew, ma'am.

11 Q. You don't make any sort of complaint at
12 that time about the level of communication, April,
13 May, June, July, right?

14 A. She was still living in my home at the
15 time.

16 Q. Okay. When did she move out?

17 A. July.

18 Q. When does it get to the point where you
19 say I'm going to start documenting this as far as
20 the police report?

21 A. Obviously in September when I made the
22 report.

23 Q. Okay. When you divorced, what month was
24 that?

25 A. I think -- I don't think that was

1 finalized until October of 2018.

2 Q. Because we had to have the -- there was a
3 period where the lawyers agreed to call off
4 filing --

5 A. No. So Beth had her lawyer contact my
6 lawyer and told my lawyer that she wanted to -- I
7 think it was a three month period, that she wanted
8 to not move forward. And so my lawyer contacted me
9 and said you and I just spoke, you said you wanted
10 to move forward, her lawyer's saying you don't want
11 to move forward. I said I want to move forward, as
12 I have told you, I want to move forward. I never
13 said I did not want to.

14 Q. So if there's a time period where there's
15 no activity on the family court file, what is that
16 attributable to?

17 A. You'd have to be more specific in the time
18 frame.

19 Q. If there's communication about cooling off
20 the divorce proceedings --

21 A. That was on Beth's behalf. That was --
22 Beth did that. I did not do that.

23 Q. So your testimony is your lawyer was full
24 steam ahead at that point in time?

25 A. I advised her to. Whether she did or not,

1 you'd have to ask her. But I told her at that time
2 that that was Beth's choice, however, that was not
3 my choice.

4 Q. You then go through the divorce. When is
5 that finalized?

6 A. I just said October 2018, I believe.

7 Q. So you filed in September of '17?

8 A. I think it was August or September 2017.

9 Q. So a year later the divorce is finalized?

10 A. Correct.

11 Q. The month that you filed for the divorce,
12 in fact it's literally -- according to the police
13 report, you went to the detective on September 16th
14 of 2017. You filed for divorce September -- I don't
15 know the particular date. So, I don't know if the
16 police report came before the filing or after, but
17 it was close. It was the same month.

18 Do you ever, as part of the marital
19 settlement agreement or the parenting plan or
20 anything, build in language that says I only want to
21 be contacted about the child or we should use Our
22 Family Wizard or one of those devices so that the
23 communications are only about K [REDACTED] and monitored
24 through programs that are developed for that
25 purpose?

1 A. I didn't even know that that existed till
2 after the divorce. I didn't even know that those
3 programs existed that we could communicate via text.
4 It was actually not until after, I believe, the
5 divorce was finalized that someone even told me that
6 those programs existed.

7 Q. So then you never told your lawyer that
8 she texts me all the time and I don't like it?

9 A. Yes, I did. Yes, I did.

10 Q. So your testimony is you never told --

11 A. I do not recall my lawyer telling me
12 anything about a program that could be used to text
13 each other or communicate with each other. I don't
14 recall her ever telling me that.

15 Q. In the context of negotiating, did you go
16 to a mediation?

17 A. No.

18 Q. Did you ever indicate to Bethany's lawyer,
19 look, I don't want to communicate about anything but
20 the child and I want to do it through a formalized
21 process or in any other way?

22 I don't want her texting me, for example?

23 A. My attorney attempted to go to mediation.
24 You'd have to ask her what happened with that. I
25 don't know.

1 Q. The bottom line is when you divorced, the
2 communications between you two was never addressed.
3 Whether you knew about those programs or not, you
4 never made your fear or the amount of communications
5 a part of your settlement?

6 A. I expressed them to my attorney. I let
7 her know that I was getting text messages that were
8 scaring me, that she would not stop, that I was
9 concerned. She said that we were almost done with
10 the divorce and, you know, just to wait till the
11 divorce was finalized.

12 Q. When did you learn about these programs
13 that you could utilize to communicate during --

14 A. I don't know the exact date or time, but I
15 didn't know about them at the time that this was
16 going on. I didn't learn about them til much later.

17 Q. So in the police report, you direct the
18 defendant not to contact Bethany?

19 A. Correct.

20 Q. And you indicate -- or actually the
21 defendant indicates that that's against department
22 protocol because typically they would contact -- in
23 her words, they would contact the person in order to
24 at least be a warning that, hey, the communication
25 needs to stop?

1 A. No, that's not department protocol. Any
2 victim is afforded the opportunity to say at this
3 time they're not comfortable with the detective
4 reaching out to a suspect in any case.

5 It's not -- it's not department -- if you
6 feel that your life is in danger or that you are in
7 fear, which at that time I did, it's okay to say not
8 to contact that person because you're not
9 comfortable at that moment with the detective
10 reaching out to the suspect.

11 Q. You go -- I mean, how many hours did it
12 take for this detective to read the 44,000 e-mails
13 and pull out -- or did you help her do that?

14 A. I mean, clearly you would have to ask her
15 that because I had no part of that.

16 Q. Okay. Did you e-mail this detective in
17 the context of any of this investigation?

18 A. I forwarded her text messages via e-mail
19 and screenshots of, I think, e-mails and text
20 messages.

21 Q. So is it your testimony that as a career
22 officer it's not protocol to contact the other
23 person, especially if it's an issue of incessant
24 communication?

25 A. What is your -- what is your definition of

1 protocol? What are you trying to say?

2 We went against general order, is that
3 what you're trying to say?

4 Q. Right.

5 A. No, we did not go against general order.

6 Q. Have you read this report?

7 A. I have.

8 Q. Okay. So when the detective writes: I
9 explained the stalking process and suggested that
10 Nicole complete a stalking injunction order. I
11 informed Nicole that we, law enforcement, would
12 usually make contact with the suspect and informed
13 them that we, law enforcement, are involved and to
14 stop contacting the victim.

15 A. Uh-huh.

16 Q. Nicole requested I do not make contact
17 with Bethany.

18 In other words, you advised her not to
19 make contact with her, correct?

20 A. No. As you just read, I requested. I did
21 not advise. I was a victim in this case. I was not
22 a law enforcement officer in this case. I was
23 Nicole Guerriero, the victim in this case, and
24 requested, as the victim, to please not contact the
25 suspect because of my fear of what will she would do

1 if she knew that I had filed the police report.

2 Q. Why did you file the police report then?

3 A. Because I thought she was going to kill
4 me. I thought she was going to hurt me and I
5 wanted it --

6 Q. Based on what?

7 A. -- on record.

8 Q. What threats has she made to you to kill
9 you?

10 A. Based on my fear. Based on the humongous
11 amounts of text messages that I was receiving, based
12 on the things that she said in the text messages,
13 based on her impulsive behavior, based on her lies,
14 her lies of saying I won't bother you anymore, I'm
15 sorry for my behavior, I'm sorry that I've made you
16 feel this way, I would never do that again, based on
17 the fact that she then did it again.

18 Q. After you claim all this stuff that you're
19 in fear, you've been to dinner with her, right?

20 A. Only when my daughter was present.

21 Q. You've had her watch your dog, correct?

22 A. I wasn't present for that. My daughter
23 was there.

24 Q. Okay. You continued to interact with her,
25 right?

1 A. Yes, because the best way for my child,
2 the best interest of my child was to try to get
3 along with her. And Beth worked on a rollercoaster.
4 She would get impulsive and crazy and then she would
5 be really, really calm. And I would try to keep it
6 as calm as long as possible for the best interest of
7 my daughter. It didn't mean I wasn't in fear. It
8 just meant let me try to keep it as calm as I can --

9 Q. So --

10 A. -- as long as possible.

11 Q. Let me interrupt you. What did her
12 watching your dog when you were away on a trip have
13 anything to do with your daughter?

14 A. My daughter was there with the dog.

15 Q. Okay.

16 A. Beth is very insistent.

17 Q. You continued to communicate with her,
18 right? You don't say just talk to me about the
19 daughter. There were periods, thousands of e-mails
20 and text messages, where you're talking about lots
21 of stuff, including your trips, the dog, you go out
22 to dinner with her, correct?

23 A. And my daughter.

24 Q. You received gifts from her?

25 A. In the name of my daughter. Every time

1 she gave me a gift, she told me it was from K[REDACTED].
2 I didn't use any of the gifts. All the gifts are in
3 a pile in my house.

4 Q. What sort of gifts did you get from
5 Bethany after you claim you were stalked?

6 A. A purse, a Fitbit watch she gave in front
7 of my daughter saying it was from my daughter for my
8 birthday, a necklace. I can't remember what else.

9 Q. So if you're going along with this
10 relationship for your daughter, you don't set the
11 boundaries by continuing to communicate with Bethany
12 other than your daughter, do you agree?

13 A. No, because I've told her I only wanted to
14 communicate with her about K[REDACTED], but you can't
15 set boundaries with someone who has no boundaries.
16 It's impossible.

17 Q. You're a police officer.

18 A. So is she, ma'am, so is she.

19 Q. You've seen this over and over again.

20 A. And so has she.

21 Q. You want a court to take your claims
22 credibly that you were afraid of her and you're
23 going out to dinner with her. Help me understand
24 that.

25 A. I could because if you are familiar with

1 any victim in a -- in a stalking or domestic
2 violence case, you would know that they -- all they
3 want is to keep -- keep things calm. All they want
4 is for things to be calm and to keep the peace and
5 for things not to get as bad as they have gotten
6 between Beth and me.

7 Q. But all of this stuff when she was
8 literally shocked, you would have to admit, that you
9 were leaving or she had to leave, okay?

10 A. I don't believe she was shocked, no.

11 Q. Okay. Again, you go before a judge and
12 adopt a child indicating your relationship is smooth
13 as silk so that you can get a child into your home,
14 into your life, okay.

15 A. Of which she then threatened to remove the
16 child from my home and from my life. If you read
17 that text message --

18 Q. Right.

19 A. -- where she threatened and used my
20 daughter for the -- that was probably the first time
21 that I can recall that she used my daughter as a
22 pawn, which she has done throughout this whole
23 thing. But that was the first one that comes to
24 mind for me where she threatened and then did remove
25 my daughter from my home because she wanted to

1 control where I was and she wanted me at home. So
2 that was --

3 Q. When you tell her to stop texting you --

4 A. That was right after our adoption.

5 Q. -- why do you then text her back?

6 A. Because she doesn't stop.

7 Q. Okay. Let me ask a question. You have a
8 parent agreement, you have a child sharing
9 arrangement, right?

10 A. Correct.

11 Q. And there's certain days this happens,
12 that happens, school, dance or whatever. Why do you
13 then facilitate the additional conversations, the
14 additional social events, the additional contact
15 with her?

16 A. Because things were easier for K [REDACTED] and
17 they were easier all around if we could just
18 communicate. I was naive enough to believe that we
19 could co-parent, that we could perhaps be friends,
20 that we could put everything else aside to co-parent
21 my daughter.

22 Q. So you have this police report drafted and
23 then you put it on the shelf for now almost two
24 years, right?

25 A. No.

1 Q. A year and a half?

2 A. I --

3 Q. This is September of 2017.

4 A. Right. But as you read, I go back and
5 I -- in October of 2017 and then I go back again to
6 update in 2018.

7 Q. And you're just keeping this on the shelf
8 in your back pocket waiting for what?

9 A. No, it wasn't on the shelf right in my
10 back pocket.

11 Q. I mean, shouldn't this case have just been
12 closed?

13 If an average person on the street came in
14 and said I don't like what my wife is doing, I'd
15 like to make a report, right, and then there's no
16 action taken, there's no arrest, there's no law
17 enforcement action taken based on this, right?

18 A. Right.

19 Q. You go back twice and say I just want to
20 update my journal of impropriety on my wife's part
21 and then keep it a secret within your own
22 department, right?

23 A. No, it was not a secret. I notified my
24 chain of command.

25 Q. But you don't take the next step. I mean,

1 what's the purpose of the report other than just
2 collecting this until you decide to pull it out and
3 use it, right?

4 A. No. I was in fear that Beth was going to
5 take action against me, that she was going to harm
6 me, she was going to hurt me and I was in fear, and
7 that's why I made the report.

8 Q. So we just keep adding on to this report
9 starting in 2017. And then if you fast forward to
10 when you actually dropped the restraining order,
11 what was the precipitating event for you then filing
12 the restraining order? What happened that day?

13 A. Detective Baker finished her report.

14 Q. Wasn't that also the day that she asked
15 you where you were going with K [REDACTED] and you didn't
16 want to answer her questions?

17 A. She knew where I was going, she just
18 didn't have the exact address of where I was
19 staying.

20 Q. Right. And when her lawyer sent you a
21 letter saying per the marital settlement agreement
22 you have to provide an address and a location, you
23 refused to do that?

24 A. Correct.

25 Q. And you filed the restraining order right

1 after that, didn't you?

2 A. Incorrect.

3 Q. Okay. Tell me the order of how that came
4 down.

5 A. I filed the restraining order -- the
6 petition was clerk -- clocked in with the clerk by
7 3:00 p.m. I did not receive an e-mail from Ms.
8 Gross until 4 -- after 4:30. I think it was 4:34,
9 and I received my restraining order prior to that.

10 Q. So the e-mails -- the precipitating event
11 though was Bethany asking you where are you going to
12 be with K [REDACTED], per the marital settlement
13 agreement please tell me where you're going to be,
14 per Article IV, Section VI, I would appreciate an
15 address of where you will be with K [REDACTED] as your
16 trip will be overnight and out of the county for at
17 least two days.

18 A. Which shows that she knew where I was
19 going.

20 Q. Right, because K [REDACTED] had told her.
21 She's asking you for the specific address per the
22 terms of the agreement you signed.

23 A. Correct.

24 Q. Right? And your response to her is what?

25 A. I was in fear because of her past

1 behaviors to give her the exact address, however,
2 K [REDACTED] would have her phone with her if she wanted
3 to contact her at anytime, at any point.

4 Q. Doesn't she know where you live?

5 She knows exactly where you live. Why
6 would you then be afraid to give her an address of
7 where you're going to be staying out of county?

8 A. Because at the day prior -- I believe it
9 was the day prior she sent an e-mail discussing one
10 of my friends who she started talking about. And
11 that was her pattern. Anyone that was in my life
12 that she didn't know, she would start harassing me
13 about them and then start doing background checks on
14 them and start doing things about --

15 Q. The day before she's --

16 A. Are you going to let me finish?

17 Q. I'm not going to let you finish because
18 you're going on.

19 The day before the conversation is about
20 the therapist and the child because K [REDACTED] had been
21 acting up probably because of the transition now,
22 not only been your daughter for a month and a half
23 and then filed for divorce or separate and then she
24 sees you all sporadically because of the visitation
25 agreements, and the e-mail I have --

It's like
4/14/14
Duty Back

Wavaco?
Any Person?
AFFIDAVIT

BETH

who's
Anny
my kid

1 MS. REID: Is there a question?

2 MS. KING: Yeah, it's coming.

3 THE WITNESS: Because you're rambling on
4 too.

5 BY MS. KING:

6 Q. This e-mail that I have is K [REDACTED] and
7 Laura -- Laura's the therapist, right?

8 A. Correct.

9 Q. Back and forth. I guess K [REDACTED] had had a
10 very difficult day and she's telling you about that,
11 right, on March 17th?

12 A. Who? I'm sorry, you've said so much --

13 Q. March 17th --

14 A. -- I forget who you're talking about.

15 Q. March 17th Bethany sent you an e-mail:

16 This is the third or fourth time I'm trying to reach
17 out to you about K [REDACTED] and her decline in
18 behavior. You remember that?

19 A. Yup.

20 Q. And then the response goes on. You then
21 indicate that you're going to speak to Laura about
22 these things, right?

23 And Bethany gets frustrated because you
24 seem to just ignore the behavioral stuff with the
25 daughter, right?

1 And then the question from her is where
2 are you going. And you did not want to give her the
3 address of where you were going?

4 A. I did not want to give her the exact
5 address of where I was going.

6 Q. Which was pursuant to the terms of the
7 marital settlement agreement, right?

8 A. But I was already -- I already knew the
9 night before when I was drafting up my narrative for
10 the restraining order that I was going to get a
11 restraining order because of her behavior.

12 Q. She was asking about somebody that you
13 were dating, right?

14 A. No.

15 Q. Who's Colleen?

16 A. Colleen is my friend.

17 Q. Okay. How long have you been dating
18 Colleen?

19 A. I'm not dating Colleen.

20 Q. You've never slept with her?

21 A. I'm not answering that question.

22 Q. Okay. Are you dating Colleen Dunne?

23 A. I answered -- asked and answered,
24 Counselor.

25 Q. You're not going to answer the question?

1 A. I said no.

2 MS. REID: She answered.

3 THE WITNESS: I answered.

4 BY MS. KING:

5 Q. How long have you known Colleen Dunne?

6 A. I've known of her for two years.

7 Q. How do you know her?

8 A. She was the prosecutor on my friend's
9 case.

10 Q. Right. On Braswell's case, right?

11 A. Correct.

12 Q. And if witnesses are telling me that you
13 have an intimate relationship with her predating
14 this time period, meaning when you --

15 A. That is inaccurate and incorrect.

16 Q. Okay. You're not in a romantic
17 relationship with her?

18 A. I already advised you that I am not.

19 MS. REID: Asked and answered.

20 THE WITNESS: I already gave you the
21 answer for that question.

22 BY MS. KING:

23 Q. Is it a no or is it I'm not answering the
24 question?

25 A. I am not comfortable answering that

1 question. You asked me what my relationship was
2 with Colleen Dunne, and she is my friend.

3 Q. Okay. She picked K [REDACTED] up from dance
4 class Friday, right?

5 A. Yes.

6 Q. She spends the night at your home with
7 your daughter, correct?

8 A. With my daughter and myself, yes.

9 Q. Do you sleep in the same room?

10 A. No.

11 Q. Okay. You know you're under oath,
12 correct?

13 A. Yes, ma'am.

14 Q. How many times -- how many nights has she
15 been overnight at your home?

16 A. It's been an increased amount lately
17 because of Beth's choice to not see K [REDACTED]. I have
18 needed some additional help because my schedule at
19 work changed. So she's been at my house a little
20 bit more in order to provide me the assistance that
21 I need with my daughter.

22 Q. And e-mails and things like that would be
23 readily available between you and Ms. Dunne? You'd
24 provide those?

25 A. What e-mails?

1 Q. Do you communicate with Ms. Dunne by
2 e-mail?

3 A. I speak with her. I talk to her on the
4 phone.

5 Q. Okay. Do you communicate with her by
6 e-mail?

7 A. Not normally.

8 Q. Did you testify at the hearing recently in
9 the Braswell case?

10 A. I did not testify.

11 Q. Did you provide any sort of victim impact
12 statement or other testimony?

13 A. On behalf of a 14 year old girl, yes.

14 Q. So were you present at the hearing
15 recently --

16 A. Yes.

17 Q. -- in the Braswell case?

18 A. Yes.

19 Q. You provided a statement that was then
20 provided to the court?

21 A. I -- I stood in front of the judge and
22 gave him a victim impact statement from a 14 year
23 old girl that Christine was close with.

24 Q. So you became a witness in that matter,
25 correct?

1 A. No, I wasn't a witness. I just provided a
2 statement.

3 Q. Were you ever listed on the state's
4 witness list in that case?

5 A. No.

6 Q. Have you ever provided deposition
7 testimony in that case?

8 A. No.

9 Q. Was Christine Braswell your subordinate at
10 Delray?

11 A. Not at the time of her death. Oh,
12 actually at the time of her death -- no, no, not at
13 the time of her death.

14 Q. How often have you been to the Keys to
15 spend the night with Colleen Dunne?

16 A. I went to the Keys one time -- two times.
17 One time was for -- to take K [REDACTED] to the dolphins,
18 to swim with the dolphins, which was what your
19 client was asking about, and the second time most
20 recently was for the hearing.

21 Q. When you started drafting the restraining
22 order paperwork, what date was that?

23 A. The night before I received the order. I
24 don't know the date.

25 Q. So on -- if the order is dated the 19th,

1 it would have been the 18th of March?

2 A. Correct.

3 Q. And the e-mail to you asking where you
4 were going was dated when?

5 A. The 19th, I believe, the same day as the
6 order.

7 Q. Was there communication in the two or
8 three days before that that was involving something
9 other than K [REDACTED]?

10 A. With who?

11 Q. Between Bethany and you.

12 A. I don't know.

13 Q. Okay. When you asked -- is it Baker now
14 or Kearney?

15 A. Baker.

16 Q. When you asked Detective Baker to reopen
17 the case, what was the catalyst for that and when?

18 A. I believe December 2018 when Beth reached
19 out to a friend of mine's ex-girlfriend and gave her
20 my number to call me at work and to call my cell
21 phone.

22 Q. Who is that?

23 A. Amy. I think her last name's Johnson.

24 Q. And she's a friend of whom?

25 A. Charlie.



1 Q. Who's Charlie?

2 A. Navarro.

3 Q. Who's Charlie Navarro?

4 A. Another friend.

5 Q. Okay. Has he ever lived at your home?

6 A. No.

7 Q. Never been a resident at your address?

8 A. No.

9 Q. Was he a boyfriend of yours?

10 A. In the past, yes.

11 Q. From what time period to what time period?

12 A. When I was in my late twenties.

13 Q. Okay. When did you break that
14 relationship off?

15 A. I don't know the date. I was --

16 Q. Were you in your thirties or in your
17 twenties when you ended the relationship with him?

18 A. In my thirties.

19 Q. How old are you now?

20 A. 45.

21 Q. Okay. So in the time period that we're
22 talking about, either when you met Bethany or
23 through divorce and post divorce, your testimony is
24 you have not been in a relationship with Charlie
25 Navarro?

1 A. Correct.

2 Q. And so you mentioned something about his
3 friend Amy. What is that about?

4 A. That was some of Beth's obsession with
5 Charlie was she contacted an ex-girlfriend that she
6 believed he had some type of relationship with and
7 had her contact me at work, and then further gave
8 her my cell phone number for her to contact me on my
9 cell phone as well.

10 Q. And what was the nature of that? Like,
11 what was the conversation there?

12 A. Amy was accusing me of being in a
13 relationship with Charlie because that's what Beth
14 told her.

15 Q. And when was that?

16 A. December 2018.

17 Q. Was that before or after the dinner
18 meeting that you had?

19 A. I don't know which dinner you're talking
20 about.

21 Q. When you got picked up from a trip that
22 you took and had dinner with Bethany.

23 A. I don't know what you're talking about.

24 Q. Okay. December 9th of 2018 you went out
25 to dinner?

1 A. Yes, with K [REDACTED] too.

2 Q. Okay. Was this stuff with Navarro before
3 or after the dinner date?

4 A. After. December 10th was when I received
5 the calls.

6 Q. Did you ever issue any sort of trespass
7 warnings against Bethany for either where you work
8 or at the house or any of those places?

9 A. No.

10 Q. Did you ever indicate I only want to
11 exchange the child in a third location?

12 A. We --

13 Q. In other words, not your house?

14 A. Yes.

15 Q. Where was that?

16 A. She -- I believe she chose the front of
17 the police department.

18 Q. And how often did you do that?

19 A. It was on and off. When she was angry
20 with me, she wanted to do it. When she wasn't, she
21 didn't want to do it.

22 Q. So before the restraining order was filed,
23 where was she picking up K [REDACTED]?

24 A. Directly before the restraining order was
25 filed?

1 Q. Right.

2 A. Mostly at school. There were some --
3 sometimes where it fell on a weekend she had to pick
4 her up. So K [REDACTED] would go outside and go to her
5 car. But that wasn't that often. Most of the
6 pickups were at school.

7 Q. Charlie Navarro is referenced in this
8 police report almost as if he's an alleged victim.
9 Why is that?

10 A. Because most of her anger was aimed at
11 him.

12 Q. But he never -- did you ever contact him
13 to actually file a report?

14 A. He chose not to.

15 Q. Okay. So fair to say he is not a
16 petitioner, nor the subject of any of this other
17 than you're upset because he was somehow involved in
18 this, right?

19 A. No. I don't understand what you're
20 saying.

21 Q. Okay. Charlie Navarro is not a victim in
22 this case, right? You are the complaining witness.

23 He's never provided any information to law
24 enforcement about this, right?

25 A. Correct.

1 Q. And he's not a part of the restraining
2 order application, correct?

3 A. He was mentioned in the restraining order
4 at the bottom to stay away from him.

5 Q. But he didn't file that, you filed that?

6 A. I filed that and included his name.

7 Q. But he's never made any attestation of
8 complaint against Bethany, correct?

9 A. Not formally.

10 Q. And Amy Johnson -- when was the last time
11 you spoke with him?

12 A. With Charlie?

13 Q. Uh-huh.

14 A. We're friends. I talk to him all the
15 time.

16 Q. Okay. He has never had -- well, have you
17 ever met Amy Johnson?

18 A. No.

19 Q. She's his fiancee?

20 A. Not -- I don't know. You'd have to ask
21 him.

22 Q. You're good friends with him and you don't
23 know his relationship with her?

24 A. That's his business. That's not my
25 business.

1 Q. Okay. She has never become a complaining
2 witness in these cases, right?

3 A. No.

4 Q. So your concern was that Bethany contacted
5 Amy to what?

6 A. No, my concern was -- if you read through
7 all the text messages, you would see that he was the
8 point of anger for her. He -- she knew where he was
9 at certain times. She had tracked him and I both on
10 using an application to track our WhatsApp
11 communication. She would give me exact times if he
12 was on the phone. She would give me exact places
13 that he was.

14 So clearly she had some type of obsession
15 with him. So that's why he was included on the
16 restraining order.

17 Q. But you would agree he's not the
18 subject -- I mean, we have no evidence from him,
19 correct?

20 A. I -- I was the one who spoke to Detective
21 Baker. I provided that information because of the
22 belief that Beth had that he was in my life, which
23 made him a target of hers because she believed him
24 to be in my life.

25 Q. Has she ever contacted him?

1 A. Yes.

2 Q. Through what?

3 A. Through text message.

4 Q. Okay. So have you contacted him and say
5 are you afraid, do you want in on this or --

6 A. I did not ask him that, no.

7 Q. So fair to say as far as the restraining
8 order hearing, this is you as the petitioner versus
9 Bethany as the respondent and no one else, correct?

10 A. Correct.

11 Q. Now, you mentioned something about
12 monitoring things through WhatsApp. What proof do
13 you have that that's occurred?

14 A. I saw it on Beth's phone.

15 Q. And then -- where were you?

16 A. She acknowledged it via text messages.
17 Well, she apologized for it.

18 Q. Where was she when you saw it on her
19 phone?

20 A. She was in the bathroom and I was in her
21 home.

22 Q. What month was that? Is it after the
23 divorce?

24 A. I think it was February of 2018.

25 Q. After the divorce?

1 A. No. The divorce was October 2018.

2 Q. Okay. Were you still living together in
3 the same home?

4 A. No.

5 Q. Why was she in the residence with you?

6 A. She was -- I was at her residence with my
7 daughter.

8 Q. Okay. So did -- we talked about dinner
9 and these other things. Did this also include going
10 over to each other's homes?

11 A. When it came to K [REDACTED], like if
12 K [REDACTED] -- if Beth and I were on an even keel and
13 something happened with K [REDACTED], she would come to
14 my home with K [REDACTED] so we could both address the
15 behavioral issue. Or whenever things happened, it
16 always was with K [REDACTED] or about K [REDACTED].

17 Q. You've investigated stalking cases before?

18 A. No.

19 Q. You've never been involved with one?

20 A. No.

21 Q. Ever?

22 A. No.

23 Q. Okay. As a law enforcement officer in
24 collecting the evidence, stalking cases, I would
25 think, if you had involvement with them, involves a

1 review of communications between the parties. Would
2 you agree with that?

3 A. And that's what was done in my case.

4 Q. Right. It involves a review a
5 communications, right?

6 A. That's what was done in my case.

7 Q. Okay. If the other person -- if somebody
8 comes to you as a law enforcement officer and says
9 I'm being stalked and then the person conveys to you
10 but I talk to that person all the time and I go to
11 their home and I go to dinner and those sorts of
12 things, would you then have probable cause to arrest
13 the person for stalking when the other complaining
14 witness is just as involved in the communications?

15 A. The state attorney's office thought so.

16 Q. Okay. All right. Fair enough.

17 You decide when this police report then
18 gets pulled out, right?

19 A. No, I don't.

20 Q. Well, you went back to the department for
21 the third time, right?

22 A. I went back to the detective to let her
23 know that things had not stopped.

24 Q. Did you tell the detective that the reason
25 you were now very upset was she was asking where you

1 were going in the Keys?

2 A. No.

3 Q. And with whom?

4 A. No.

5 Q. You never told her about the marital
6 settlement agreement and that that was a valid
7 question?

8 A. It had nothing to do with that, so it was
9 never mentioned. It had nothing to do with her
10 asking about where I was going in the Keys.

11 Q. What was the last straw?

12 A. I told you, it was when she reached out to
13 Amy to then have Amy contact me. And then she
14 started e-mailing me that evening one e-mail after
15 another after another --

16 Q. What did --

17 A. -- bashing me and calling me names. And
18 it just -- it was enough.

19 Q. What did Amy say to you? What were the
20 nature of Amy's communications to you?

21 A. Amy was pressing me to ask me what my
22 relationship was with Charlie.

23 Q. Okay. And it's your testimony you didn't
24 have a sexual relationship with Charlie since your
25 twenties or maybe your thirties?

1 A. There was one instance between Charlie and
2 I, but we were not dating. We were not in a
3 relationship.

4 Q. And when was that?

5 A. In -- you know what, I'm not -- I'm not
6 even comfortable. I don't see the relevance to it.
7 So I'm not comfortable answering that question.

8 Q. Well, was it recent?

9 A. I'm not comfortable answering that
10 question.

11 Q. Fair to say though you're not in a
12 substantial relationship or any sort of significant
13 relationship with him?

14 A. Correct.

15 Q. And you have not been in a significant
16 relationship with him since at least your thirties?

17 A. Or anyone.

18 Q. What do you mean by that?

19 A. I haven't been in a relationship with
20 anyone since Beth and I split up.

21 Q. Okay. All right. You have then, I guess,
22 gone back to Kearney -- I guess it's a total of
23 three times; is that right? The final one was the
24 one where --

25 A. Yes, I reached out to her in between to

1 let her know that I was going to come in to update
2 the report because things had happened.

3 Q. Did you direct Kearney to then request an
4 arrest?

5 A. No.

6 Q. How did that happen?

7 A. You'd have to ask her.

8 Q. So she does -- she makes that decision on
9 her own?

10 A. Correct.

11 Q. Are you friends with Stephanie Kearney?

12 A. I know Stephanie from work.

13 Q. How long have you known her?

14 A. I've been familiar or known of her for
15 however long she's been at the police department.
16 So you'd have to ask her. I don't know how long it
17 is.

18 Q. Have you ever been in her home?

19 A. Yes.

20 Q. Ever gone to parties with her?

21 A. I went to a bachelorette party that she
22 was at.

23 Q. What was the purpose of you being in her
24 home?

25 A. Our daughters played. So we would have

1 playdates with -- her daughter's the same age as
2 mine.

3 Q. Okay. Do they go to the same school?

4 A. No.

5 Q. How often have you been in Kearney's home?

6 A. Only a handful of times, if that.

7 Q. How many times has Kearney been in your
8 home?

9 A. A handful of times, if that.

10 Q. You ever buy her gifts?

11 A. No.

12 Q. She ever buy you gifts, birthdays,
13 anything like that?

14 A. No. She bought gifts for my daughter and
15 I've bought gifts for her daughter, birthdays,
16 things like that.

17 Q. You indicate in the restraining order that
18 you believe she was tracking you. Explain what you
19 mean by that and how you know that.

20 A. One -- one instance was I had gone to
21 Sanibel with my friend for work. She was working.
22 And I hadn't told anyone that I was going and Beth
23 sent me an e-mail and in the e-mail she said have
24 fun in Sanibel. I hadn't told anyone that I was
25 there, but she made a point of letting me know that

1 she knew I was there.

2 Q. And she also indicated that Bank of
3 America had called her because you had accounts at
4 one time?

5 A. That's not -- at one time we had an
6 account. At that time she was no longer on my
7 accounts. I called Bank of America to verify and
8 they said they had not made that call, and they
9 would not make that call because she was no longer
10 on my accounts.

11 Q. Okay. Did you ask her for phone records
12 to show that Bank of America hadn't contacted her?

13 A. No.

14 Q. Other than you presuming that that
15 happened, do you have any other evidence that she
16 somehow had something tracked on you?

17 A. I didn't presume. I called to verify that
18 that's not how it occurred.

19 Q. So how did she know where you were?

20 A. That's what I'd like for you to find out.

21 Q. So you don't have any evidence to
22 demonstrate that somebody didn't tell her, for
23 example, or Bank of America didn't clue her in?

24 A. Well, we found on -- on K [REDACTED]'s iPad
25 that's linked to Beth's phone that there was a GPS

1 tracking app that she could have used to track me or
2 Charlie because she did provide exact locations of
3 his whereabouts several times. She did verify via
4 e-mail more than one time that she was tracking my
5 WhatsApp.

6 Q. Could she read your messages?

7 A. I don't know what she was capable of
8 seeing or not seeing. You would have to find out
9 from her. But she did verify that she was in deed
10 tracking me through the WhatsApp.

11 Q. What's the time period for that?

12 A. She actually was sending Amy text messages
13 that I got screenshots and provided to Detective
14 Baker where she says they're talking right now,
15 they're on -- they're on the phone right now. And
16 that's what she knew from WhatsApp, from tracking my
17 WhatsApp.

18 Q. But that again is through Amy, who is
19 not --

20 A. That's a screenshot from Beth to Amy. And
21 I have copies of those screenshots.

22 Q. So this iPad that K [REDACTED] had, isn't that
23 her iPad that stays at your home?

24 A. Yes, but it has been in Beth's home.

25 Q. Okay. Doesn't K [REDACTED] have her own iPad

1 in Beth's home?

2 A. I don't know.

3 Q. You don't know if she has another
4 electronic device?

5 A. I know she has a phone. I don't know if
6 she has an iPad or not.

7 Q. So you find an application on K [REDACTED]'s
8 iPad, correct?

9 A. Correct.

10 Q. Fair to say you don't know how it got
11 there?

12 A. It had to -- it had to -- with 100 percent
13 certainty had to have gotten there with Beth's
14 knowledge because the only way that K [REDACTED] can
15 upload apps onto the iPad is with Beth's password,
16 which she did not have.

17 Q. How do you -- did you know Beth's
18 password?

19 A. No, I have no idea what her password is.

20 Q. You don't have her password?

21 A. I have no idea.

22 Q. That device requires something to be then
23 affixed electronically to whatever you're trying to
24 follow, right?

25 A. No, I don't know what you mean.

1 Q. If you're trying to track somebody,
2 wouldn't there have to be another component that
3 goes on to the car?

4 A. I don't know.

5 Q. Didn't you tell Kearney that?

6 A. I did not tell --

7 Q. That you didn't find anything on your
8 vehicle or Navarro didn't find anything on his
9 vehicle to indicate he was actually being tracked?

10 A. Because we didn't know until January of
11 2019 that there was a GPS tracker app.

12 Q. Bottom line is --

13 A. So the times that she was giving were
14 prior to that. So if there was a tracker, it could
15 have been removed.

16 Q. Would Charlie's car have ever been at
17 Beth's house for her to put a tracking device on it?

18 A. No. But Beth let me know via text message
19 that she knew where Charlie lived. So it would be
20 possible, because he has no garage, that she would
21 have been able to affix it at his house.

22 Q. So you don't have any direct proof that
23 she put anything on your vehicles or on your iPads
24 or anything like that, correct?

25 A. The only thing that I have is the things

1 that she has admitted to and the --

2 Q. Well, she never admitted that she put a
3 tracking device on your --

4 A. But you asked about the other thing. She
5 admitted to tracking the WhatsApp. I don't know
6 what she could track with the WhatsApp. If she can
7 determine location, I don't know that. I just know
8 that she was tracking me because she acknowledged
9 that she was.

10 Q. So that was known to you as early as when,
11 the WhatsApp?

12 A. I believe it was February of 2018.

13 Q. Why at that time didn't you say, you know
14 what, I want a restraining order?

15 A. She said she deleted it.

16 Q. And then post that you still continued
17 to --

18 A. It still continued.

19 Q. No, you continued to have communications
20 with her and outings and that sort of thing, right?

21 A. With -- in the presence of my daughter.

22 Q. Did you ever have a credit card or a bank
23 account with Charlie Navarro in the past five years?

24 A. I'm not comfortable answering that
25 question. I don't see the relevance.

1 Q. You can object or answer the question.

2 Have you ever had a credit card or a bank
3 account with Charlie Navarro in the past five years?

4 A. I don't feel comfortable answering that
5 question.

6 Q. You don't have a choice but to answer the
7 question.

8 A. Certify it. I do have a choice. Certify
9 it. If the judge directs me to answer the question,
10 I'll answer it.

11 MS. REID: Is there a particular reason
12 your fearful you don't want to answer it?

13 MS. KING: I'm not asking for account
14 numbers or --

15 THE WITNESS: I don't see what the
16 relevance is as far as what -- why she would
17 have to know.

18 MS. REID: Okay.

19 THE WITNESS: Can we -- would it be okay
20 to take a break anyway?

21 MS. REID: Sure.

22 THE WITNESS: Because it's super hot in
23 here.

24 (A recess was held at 1:31 p.m.)

25 (The deposition resumed at 1:42 p.m.)

1 BY MS. KING:

2 Q. We were talking -- we're kind of bouncing
3 around now. We were talking about the report
4 through Kearney that you ultimately kind of re-upped
5 in March. And you said that your chain of command
6 did know about some of these things as far as the
7 police report; is that right?

8 A. Correct.

9 Q. And one of those people was Captain
10 Crane-Baker?

11 A. That was through Stephanie. That was not
12 through me.

13 Q. Okay. And how are you aware of that?

14 A. I saw the e-mail that I'm assuming you're
15 looking at.

16 Q. And tell me about that. How or why was
17 Kearney communicating with Crane-Baker about it?

18 A. You'd have to ask her.

19 Q. Okay. So when these requests for
20 documents came through, you were then apprised or
21 shown the e-mails or did you pull your own e-mails?

22 A. No, I believe I was forwarded an e-mail
23 somewhere where Stephanie had sent it through Crane
24 Baker.

25 Q. Okay.

1 A. And so that's how I knew that she sent it
2 to Crane-Baker.

3 Q. So one of the communications indicates
4 that she was in a rush to put all this together,
5 that she only had a couple of days to get this to
6 the state attorney's office. And why was that, if
7 you know?

8 A. I have no idea.

9 Q. Did you ever ask Kearney to get this
10 paperwork together quickly before your trip to Key
11 West?

12 A. No.

13 Q. When you then communicated with Charlie
14 Jamieson's office when they were indicating, hey,
15 tell us where you're going to be with this child per
16 the marital settlement agreement, do you remember
17 that communication from them?

18 A. I did not -- I did not respond to
19 Ms. Gross until after the restraining order was
20 obtained.

21 Q. You never provided even to the attorney
22 the address of where you were taking K [REDACTED],
23 correct?

24 A. No, because my next communication with
25 her -- I received her e-mail after I had gotten the

1 restraining order. So my next communication with
2 Ms. Gross was I had received a restraining order.

3 Q. Okay.

4 A. And I made her aware of that.

5 Q. So if I'm looking at it correctly, you
6 have no knowledge or information as to why there was
7 a rush to get this to the state attorney's office in
8 two days time?

9 A. I have no idea.

10 Q. Okay. Kearney communicates this to
11 Crane-Baker and you are the subject of the report,
12 correct?

13 A. Of which report?

14 Q. Of the police report, right?

15 A. Correct.

16 Q. You're the complaining witness?

17 A. Correct.

18 Q. At 8:00 in the morning, if I understand
19 it, Bethany is asking you the address pursuant to
20 Paragraph 4 of the marital settlement agreement.
21 This is the day you filed the restraining order,
22 correct?

23 A. Correct.

24 Q. By 3:00 o'clock that afternoon or
25 thereabouts you file for the restraining order?

1 A. Correct.

2 Q. You don't answer her question of where
3 you're taking the child in between --

4 A. I did answer.

5 Q. I mean the particular address per the
6 marital settlement agreement.

7 You don't comply with the marital
8 settlement agreement is my question?

9 A. Correct.

10 Q. You then get an e-mail 4:00 o'clock time
11 frame from Bethany's lawyer asking where you're
12 taking the child, right?

13 A. She just asked -- she said if I didn't
14 comply that I would be subject to a violation and
15 lawyer's fees, I believe is what the e-mail said.

16 Q. And at that point you had already issued
17 the restraining order, so you never had to give up
18 the address where you were with Ms. Dunne, right?

19 A. I already had it in -- had the restraining
20 order.

21 Q. You had filed it?

22 A. It was approved by 4:00 just prior to when
23 she sent the e-mail. I didn't even read the e-mail
24 prior to that.

25 Q. But you can't deny that the context of

1 this is the communication is where are you taking
2 the daughter, and then you get the restraining
3 order, you don't answer where you're taking the
4 daughter, right?

5 A. I can deny that.

6 Q. Okay. That just happened to be
7 coincidence that she's asking you --

8 A. Correct.

9 Q. -- where you're taking her?

10 A. Correct. Because I didn't know she was
11 going to ask me that the night before when I started
12 filling out the paperwork for the restraining order.
13 I didn't know that she was going to ask me that
14 question the next day.

15 Q. Okay. Why didn't you just answer the
16 question?

17 A. As I stated in the e-mail, because of her
18 behaviors in the past, I didn't feel comfortable or
19 safe giving her that information. However, I would
20 provide her a telephone as K [REDACTED] has had for her
21 to contact K [REDACTED] at any point in time throughout
22 the day.

23 Q. Did you ever instruct K [REDACTED] not to tell
24 Bethany about Colleen?

25 A. No.

1 Q. Your relationship with Colleen?

2 A. Never.

3 Q. If K [REDACTED] told Bethany about Colleen and
4 your relationship with Colleen, is that the basis
5 for you to now have fear that she knows who Colleen
6 is? Because she can't help what the daughter tells
7 her.

8 A. The basis is that Beth started then
9 sending e-mails referencing Colleen, which is how
10 she started with Charlie and how she started with
11 other people -- my mom, with other people in my life
12 that she would start saying horrible things about
13 and start tracking. And that's where the fear came
14 from, because of her pattern of behavior.

15 Q. Did she say anything negative about
16 Colleen as far as who she was or --

17 A. It wasn't --

18 Q. -- disparaging her?

19 A. It wasn't that. It was the fact that she
20 was even now acknowledging her. And then that day,
21 you know, K [REDACTED] comes home and says "mom said to
22 thank Miss Colleen for taking care of me because you
23 don't," things like that, like, that she's telling
24 my daughter and trying to alter the relationship
25 between my daughter and me.

1 Q. So it's your testimony you've never
2 instructed K [REDACTED] not to talk to Bethany about
3 Colleen or other people?

4 A. Never. I encourage my daughter to tell
5 the truth all the time.

6 Q. You at one point file a complaint with the
7 Palm Beach Gardens Police Department about Bethany
8 asserting that you believed she was accessing law
9 enforcement databases unlawfully?

10 A. Correct.

11 Q. When was that?

12 A. December 12th, 2018.

13 Q. Okay. And at that point in time, what was
14 the basis for your assertion that that was
15 happening?

16 A. Bethany had sent me a picture of Amy
17 Johnson, and through my 20 years of experience in
18 law enforcement I recognized the background to
19 possibly be from DAVID, the DAVID system.

20 Q. And you --

21 A. So --

22 Q. You later found out you were wrong?

23 A. They never gave me any paperwork or
24 anything that stated that it wasn't that. They --
25 the sergeant called and said they didn't find

1 evidence of it, but I've never received any formal
2 paperwork or any decision on it.

3 Q. Well, you're aware as an IA officer --
4 probably you've investigated officers for unlawfully
5 accessing databases, right?

6 A. I -- no, I haven't. I've done audits, but
7 I have not actually investigated anyone for that.

8 Q. I mean, you realize that's a fireable
9 offense, right?

10 A. Every department's different.

11 Q. The state --

12 A. I was told by her assistant chief that it
13 was no big deal.

14 Q. The state attorney's office has prosecuted
15 officers for unlawfully accessing databases?

16 A. I don't know. I don't know. I'm not
17 aware of that.

18 Q. So you went off and contacted her employer
19 trying to get her in trouble for something you
20 assumed had happened, right?

21 A. No, trying to get her to stop using her
22 resources to try to seek out other people in an
23 attempt to put me in fear.

24 Q. The bottom line is you got word back that
25 she had not unlawfully accessed DAVID?

1 A. Approximately a month or so later.

2 Q. Okay. And you testified earlier your fear
3 is what she was going to do to you. So fair to say
4 you have actually undertaken steps to try to get her
5 in trouble with her job, right?

6 A. No. I asked that they have a conversation
7 with her and tell her to stop, stop doing it.

8 Q. But she wasn't doing it, she was cleared
9 of it, correct?

10 A. Just because she didn't use DAVID doesn't
11 mean she wasn't doing it because I have a picture to
12 prove that she was.

13 Q. Okay. You had testified earlier you
14 didn't want to do anything with this police report
15 that your own department created because you were
16 afraid, right?

17 A. At that time.

18 Q. And then you have the steps -- or you take
19 the steps to go to her own department, you weren't
20 afraid to do that?

21 A. I did not go there. I had her department
22 come to me because I was in fear of going to her
23 department.

24 Q. You had them drive down to Delray Beach?

25 A. Correct.

1 Q. And take a report?

2 A. And take a complaint.

3 Q. And then it was determined unfounded?

4 A. I don't know. I never saw the end result.
5 I've stated I don't know.

6 Q. She didn't do anything physically to you
7 after that, did she?

8 A. No. But the e-mails continued and the
9 name calling continued and everything that she had
10 done before continued.

11 Q. There was no retaliation. In other words,
12 she didn't say, hey, you got me in trouble with my
13 boss or why did you do that, that sort of thing,
14 right?

15 A. No, instead she told my daughter that she
16 was going to seek custody of her. She just went
17 through my daughter.

18 Q. So the fact that you had filed a complaint
19 with her with her own boss didn't come back to you
20 as far as any sort of threatened harm, correct?

21 A. She didn't reference it, but the behaviors
22 that put me in fear did not stop.

23 Q. You didn't file a restraining order at
24 that point?

25 A. That was when I went back to Ms. -- to

1 Detective Baker to tell her what was going on and
2 tell her that I was going to seek a restraining
3 order.

4 Q. Did you put in the report that you found
5 out from the department that she wasn't using DAVID?

6 A. I didn't write that report, ma'am.

7 Q. Did you tell her, hey, I --

8 A. I told --

9 Q. -- found out I was wrong?

10 A. I told her that I went to the
11 department -- that the department came to make a
12 complaint and what they advised me the outcome was.
13 However, I never received anything formally to let
14 me know that that was true.

15 Q. Okay. The report talks a lot about, you
16 know, 44,000 communications and then a handful are
17 pulled out. Then she names the number in here. But
18 fair to say your content of communications isn't --
19 isn't contained in here other than stop texting me,
20 right?

21 A. The content -- I allowed the detective to,
22 what we say, dump my phone so that all
23 communications were available.

24 Q. So you provided -- you provided -- is it
25 Trapasso?

1 A. Yes.

2 Q. And that's T-R-A-P-A-S-S-O.

3 This was in January. It says January 17th
4 of 2019. Is that right?

5 A. I don't know the exact date, but if that's
6 what the report says, then --

7 Q. Is it your testimony that you gave
8 Trapasso or Kearney your phone without limitation to
9 download?

10 A. Correct. I took my password off my phone
11 and provided them my phone to download the text
12 messages.

13 Q. And where is -- I have the Cellebrite
14 report. Where is the phone dump?

15 A. That's -- you'd have to ask Detective
16 Kearney.

17 Q. It should be in evidence?

18 A. Correct.

19 Q. So in that you then -- did you get a copy
20 of the Cellebrite report?

21 A. Not when it was dumped, no.

22 Q. Do you have one now?

23 A. I do not have a copy, no.

24 Q. Okay. Your communications with her, fair
25 to say, are numerous, correct, in the span of your

1 complaint starting in September of 2017 to when you
2 attempted to have her arrested, right?

3 A. I did not attempt to have her arrested,
4 ma'am.

5 Q. When the report was filed and it had to
6 get rushed to the state attorney's office?

7 A. I did not create the rush.

8 Q. Okay. My question to you is you created
9 thousands of e-mails and communications with her
10 over this time span?

11 A. No. If you go back to the text messages
12 and the e-mails, you will see that the majority of
13 them are originated by Beth.

14 Q. Okay. Do you have a number to that?
15 Because that tells me --

16 A. I don't. You have to go back and see.

17 Q. -- you maybe have the report.

18 A. I'm telling you because I lived it. I was
19 the victim. I was the one in fear. I know.

20 Q. But you never stopped texting her back,
21 right?

22 A. Because some of the texts were leave me
23 alone, stop texting me, only communicate with me
24 when it --

25 Q. Why not just stop? Like, you know with

1 children, if you ignore them, right, sometimes --

2 A. Because that doesn't work. It doesn't
3 work with her. I've tried. It doesn't work. I
4 went as far as telling her she could -- blocking her
5 on my phone and getting another text app for
6 emergency purposes only having to do with K [REDACTED]
7 and that didn't work.

8 I then told her she was not allowed to
9 text me at all, she could only communicate about
10 K [REDACTED] via e-mail, and that didn't work.

11 So I took steps to attempt to get her to
12 stop harassing me and nothing worked. The only
13 thing that worked, ma'am, was in these last six
14 weeks was the restraining order. That's the only
15 thing that has worked to keep her from stop doing
16 what she's doing.

17 Q. So you then go to dinner with her -- this
18 is the part -- the communication just isn't stop
19 texting. It's stop texting me, okay, I like how
20 you're treating me now, let's go to dinner, or stop
21 texting me, thank you for the handbag, right?

22 A. No, I don't -- do you have text messages
23 that you could show me that say that? Because I
24 don't recall saying that.

25 Q. That you received gifts from her?

1 A. Right. But you're saying something
2 verbatim and I did not say that.

3 Q. You thank -- you thank her for the watch.

4 A. Yes, she gives -- she gives me gifts.

5 Q. And you thank her by text message, right?

6 A. I thank her, yes.

7 Q. Okay.

8 A. What watch?

9 Q. The Fitbit.

10 A. Oh.

11 Q. There comes a point in time when you also
12 contact DCF?

13 A. Incorrect.

14 Q. Okay. Who contacts DCF to have her
15 investigated for child abuse or whatever it is?

16 A. The state attorney's office.

17 Q. On their own contacted DCF?

18 A. Correct. I was contacted by the state
19 attorney's office victim advocate and she told me
20 they contacted DCF. I had nothing to do with that.

21 Q. Okay. There wasn't an officer in your
22 department involved with it?

23 A. You asked me who contacted DCF.

24 Q. Right.

25 A. I did not contact DCF, nor did anyone in

1 my department contact DCF. Proper protocol for DCF
2 is whenever they investigate a crime, the local law
3 enforcement agency goes with them.

4 Q. So who was the -- who was the officer in
5 your department that went with them?

6 A. Officer Robertson.

7 Q. Okay. And what's his first name?

8 A. She.

9 Q. What's her first name?

10 A. Her name is Roxanne Robertson.

11 Q. What was the basis for the complaint to
12 DCF? What did you tell DCF as far as --

13 A. I did not speak with DCF. They came to my
14 house for an investigation. I never had contact
15 with them prior to them contacting me and saying a
16 report was generated, we need to discuss it with
17 you. Prior to that, I had no contact with DCF
18 whatsoever.

19 Q. You have pled in the report as well as
20 restraining order that you don't fear for K [REDACTED]'s
21 safety?

22 A. No.

23 Q. Okay. So you're allowing somebody that
24 you feel is unstable and has incessant
25 communications with you to still have communications

1 with the daughter?

2 A. Correct.

3 Q. So you don't feel there's any physical
4 threat or that sort of thing with your daughter in
5 her home?

6 A. Correct.

7 Q. Or anywhere else for that matter?

8 A. Correct. Her obsession is with me, not
9 with K[REDACTED]. My fear is for me, not for K[REDACTED].

10 Q. In the restraining order, you indicate --
11 or the court indicates she's not to have contact
12 with Colleen Dunne. Why is Colleen Dunne restricted
13 on this list?

14 A. Because anyone that is in my life Beth
15 becomes obsessed with. She's -- that's her pattern.
16 That's what she does. That's why she was included.

17 Q. You included -- these are names you
18 included?

19 A. I put them on the restraining order.

20 Q. And you also include Stephanie Baker?

21 A. Correct.

22 Q. Why?

23 A. Because Beth had actually one night gone
24 to Stephanie's house to try to engage with her
25 regarding the -- whatever she wanted to talk to

1 Stephanie about about me. So my fear was that she
2 would try to do that again. She knows who Stephanie
3 is.

4 Q. When was that?

5 A. That was before she left my house. We
6 were separated, but before she left my house.

7 Q. So this was back in 2018 in --

8 A. I don't know.

9 Q. During the separation?

10 A. Yeah. I don't know the exact date, but
11 she had gone to Stephanie's house. So I knew she
12 knew where Stephanie lived and I was concerned for
13 her safety.

14 Q. So if the separation was in April of 2017,
15 or the start of it anyway, somewhere between then
16 and then when you ultimately make the report in
17 September; is that fair to say?

18 A. Yes.

19 Q. Okay. And then the very same officer is
20 the one now writing the report?

21 A. Correct.

22 Q. You don't see a conflict there?

23 A. She witnessed it. She saw. She knew.
24 She was the detective that investigated the
25 stalking.

1 Q. How come none of that is in the report?

2 A. I don't know.

3 Q. So what did -- what did Kearney or Baker
4 tell you that Bethany did or said?

5 A. I don't remember. You'd have to ask her
6 the exact. I don't remember exactly what she said.

7 Q. So she went to her as a friend?

8 A. They were not friends.

9 Q. Then why would she go to her? Because she
10 wouldn't have known at that time you were having her
11 investigated, right? You kept this a secret.

12 A. I wasn't having her investigated yet. I
13 wasn't having her behaviors investigated at that
14 time. It was prior to.

15 Q. When did you know that Bethany went to
16 speak to Stephanie?

17 A. Before she left my home.

18 Q. Okay. So sometime when she was still
19 living there?

20 A. Uh-huh.

21 Q. And then you then asked that person, who's
22 a witness in the case, to investigate?

23 A. I did not ask her to investigate the case.
24 It was her case. It was -- she was the stalking
25 detective. She was the detective that investigated

1 stalking. So the case was hers because she was the
2 only one in the department that did it.

3 Q. Wouldn't you have said because she's come
4 to you before and you're a witness and it sounds
5 like friendly enough to know where she lives and
6 everything else, hey, we need to have another
7 officer?

8 A. The only reason she knew where she lived
9 was because our daughters would play. That's the
10 only reason. Beth and her were not friends. And at
11 that time, Stephanie and I were really not friends.

12 Q. But she felt comfortable enough going and
13 talking to her, right?

14 A. Which is alarming.

15 Q. My question to you is as the IA --
16 ultimately an IA lieutenant, there was no problem in
17 your mind -- because there's nowhere in this report
18 that it says, I, the reporting officer, had
19 firsthand knowledge --

20 A. No, I see no problem.

21 Q. -- of Bethany inquiring --

22 A. No, I see no problem with it.

23 Q. You have no problem with that?

24 A. No. I live in the jurisdiction. So does
25 Beth. The fear was there.

1 Q. I'm asking about Stephanie.

2 A. Yeah, but if you read that report, there's
3 no opinion in that report whatsoever. The only
4 thing listed in that report are facts, facts of the
5 text messages, facts of the fear, facts. There's no
6 opinion from Detective Baker at all.

7 Q. Baker doesn't disclose that she was a
8 witness. You're claiming she had firsthand
9 witness -- she's a witness.

10 A. If you have an issue with that, ma'am, you
11 can bring it to public corruption. I did not have
12 an issue with it.

13 Q. All right. So did you communicate with
14 Kearney or Baker, it's the same person, by e-mail on
15 your personal e-mail or any other capacity about
16 this case?

17 A. No.

18 Q. You're indicating no e-mails would have
19 transpired?

20 A. No.

21 Q. How about personal text messages you to
22 Kearney?

23 A. No. The only text messages that we had
24 were personal text messages or something saying who
25 is -- she asked me who Jafar was and who -- I forget

1 the other name of the pet. Just clarification of
2 names that were -- of K [REDACTED]'s pets.

3 Q. Why? Why is that relevant?

4 A. Because she was reading things with names
5 in it that she doesn't know who it was. So she
6 asked me who's Jafar and who's --

7 Q. How many times was Bethany --

8 A. I can't remember the fish.

9 Q. -- pet-sitting for you post separation?

10 A. I don't -- I didn't keep track. I don't
11 remember.

12 Q. Does that mean it's numerous?

13 A. No. Maybe twice.

14 Q. Does that mean you -- you allowed her in
15 your home?

16 A. No. The dog went with my daughter to her
17 home.

18 Q. Okay. Has Bethany been in your home post
19 separation?

20 A. Yes. I advised earlier that if there were
21 issues with K [REDACTED] where we had some disciplinary
22 issues at the time where Beth and I were getting
23 along, she would come into my home and we would
24 address the issues together.

25 Q. Are you friends with a Dani Moschella?

- 1 A. Yes.
- 2 Q. Who is Dani Moschella?
- 3 A. Public information officer.
- 4 Q. For Delray Beach Police Department?
- 5 A. Correct.
- 6 Q. Are you close friends?
- 7 A. Yes.
- 8 Q. Have you been to her home?
- 9 A. Yes.
- 10 Q. Vice versa?
- 11 A. Yes.
- 12 Q. How many times do you think you've
- 13 socialized with Dani Moschella?
- 14 A. I have no idea.
- 15 Q. How about Andy Minnick?
- 16 A. I don't know an Andy Minnick.
- 17 Q. K9 officer.
- 18 A. Andy Mintus.
- 19 Q. How does he spell his last name?
- 20 A. M-I-N-T-U-S.
- 21 Q. T-U-S?
- 22 A. Yes.
- 23 Q. And are you friends with Andy Mintus?
- 24 A. Yes.
- 25 Q. How long have you been friends with Andy?

1 A. He works at the Delray Beach Police
2 Department. So I've known him for several years.

3 Q. Have you ever been to him -- to his house?

4 A. Once.

5 Q. When was that?

6 A. I believe that was either April or May of
7 2017.

8 Q. And what was the purpose in going to his
9 house in April of 2017?

10 A. There was a gathering after Christine
11 Braswell's memorial.

12 Q. Were there a number of Delray Beach police
13 officers there?

14 A. Yes.

15 Q. Other than Moschella and Mintus, who else
16 was there from your department?

17 A. I don't remember.

18 Q. Were any of the chiefs there?

19 A. No.

20 Q. Were any of the other higher-ups there?
21 Assistant chiefs?

22 A. I don't remember.

23 Q. What -- did you ever change your phone
24 number from the number where you allege you received
25 all these text messages?

1 A. No.

2 Q. All right. Is it 767-6144?

3 A. Yes.

4 Q. And her number --

5 A. Who's her?

6 Q. Bethany. 512-8171?

7 A. Yes.

8 Q. And what provider is your phone?

9 A. Verizon.

10 Q. When you were communicating either through
11 your lawyer or -- it sounds like you've had direct
12 communication with the Jamieson law firm -- did you
13 ever indicate in the process, the divorce process,
14 or even after the fact, after that time, your demand
15 to limit contact with Bethany in any capacity?

16 MS. REID: I'm going to object to form.

17 Don't answer as it pertains to what you
18 said to your attorney.

19 MS. KING: I'm --

20 MS. REID: Because it --

21 BY MS. KING:

22 Q. I'm talking about you -- did you ever
23 communicate to the Jamieson law firm? Because you
24 have communicated with them without --

25 A. Post, post divorce.

START
HERE

1 Q. Okay.

2 A. About -- the only communication I've had
3 has been post restraining order regarding
4 time-sharing.

5 Q. And in those communications about
6 time-sharing, do you ever make a demand for
7 limitation with your communications to Bethany or
8 vice versa?

9 A. I didn't have to because there was a
10 restraining order in place. So I'm pretty sure that
11 that covered it.

12 Q. Okay. You get divorced in 2018. Fast
13 forward whatever number of months. You never
14 indicate to Jamieson law firm, hey, tell your client
15 I don't want to communicate with her?

16 A. I had no communication with her law firm.

17 Q. And regardless of what you told your
18 lawyer, are you aware of your lawyer ever
19 communicating to the Jamieson law firm, listen,
20 we've got to work on communication between these
21 women because it's something that she's fearful,
22 meaning you, is fearful about?

23 MS. REID: Your communication with the
24 Jamieson law firm.

25 THE WITNESS: I never communicated

1 directly with the Jamieson law firm.

2 BY MS. KING:

3 Q. Are you aware if your lawyer did by
4 correspondence or any other way to Jamieson?

5 A. Yes, she communicated with him often. She
6 was my attorney on the divorce case.

7 Q. Okay. Was there any effort through your
8 lawyer or individually to limit the communications
9 legally using the marital settlement process, in
10 fact, the same judge as the restraining order, to
11 say, listen, we're only going to have communications
12 and they're going to be, you know, in this template
13 or about this subject?

14 THE WITNESS: If I answer that, I have to
15 tell her about the communication between me and
16 my lawyer.

17 MS. REID: Then you can't answer it.

18 BY MS. KING:

19 Q. Are you aware through the divorce process
20 any factor discussed about limitation of
21 communication with Bethany?

22 In other words, how you would communicate
23 with her post divorce?

24 A. I know the conversations I had with my
25 attorney. Whether or not my attorney had

1 conversations with her attorney about that, I cannot
2 say.

3 Q. I understand.

4 Fair to say you've read the marital
5 settlement agreement?

6 A. Correct.

7 Q. And there's no indication to Judge Burton,
8 the very same judge as the restraining order, hey,
9 I'm afraid of this person, this divorce isn't
10 amicable, I'm afraid and I don't want communications
11 or I want them to be limited?

12 A. It's not in the marital settlement
13 agreement.

14 Q. Right. The judge has no knowledge of
15 that?

16 A. No.

17 Q. You didn't take it through a legal process
18 through the divorce?

19 A. Not to my knowledge.

20 Q. When you filed the petition for the
21 restraining order, did you attach the police report?

22 A. Yes.

23 Q. Are you friends with Christopher Trapasso?

24 A. Not friends. I know of him. He works for
25 my agency.

1 Q. You mention in the report the therapist.
2 Are you all trying to communicate with each other
3 through the therapist at times? Has that ever
4 worked?

5 A. No, I don't discuss Beth with the
6 therapist. I discuss K [REDACTED] with the therapist.
7 Beth is the one whose indicated via e-mail that she
8 discusses me with K [REDACTED]'s therapist.

9 Q. You said you saw something on her phone,
10 but you have no, I guess, electronic evidence of
11 that or you didn't screenshot it or anything like
12 that.

13 In other words, is there anything else
14 that you have other than --

15 A. Yes, I have Beth's admission via text
16 message that she was tracking me with that app and
17 that she would stop doing it, she was sorry, and
18 that she deleted it. I have her confirmation via e
19 -- via text message. I apologize. Via text
20 message.

21 Q. Is that what you're claiming you saw on
22 the phone was that app?

23 A. I saw the app, yes.

24 Q. Okay. And you confronted her at that
25 time?

1 A. Yes.

2 Q. You accepted her apology?

3 A. We had a conversation about it via text
4 message.

5 Q. And what happened after that?

6 A. She told me she was going to delete it.
7 Again, naively, I believed her.

8 Q. Well, do you have any reason to believe
9 that it went on after that?

10 A. Yes.

11 Q. How or why?

12 A. Because she would -- as I said earlier,
13 she contacted Amy on three different -- I believe it
14 was three different occasions saying they're on --
15 they're on-line now, which is what the app tells
16 you, I know for sure. Nicole's on-line, Charlie's
17 on-line, they're on-line now, they're talking now,
18 three different occasions. I have screenshots of
19 that, Beth's communication with Amy.

20 Q. But Amy's never provided any information
21 to Kearney; is that right?

22 A. She did not talk to her.

23 Q. Do you know why?

24 A. You have to ask her.

25 Q. Do you have a good relationship with Amy?

1 A. I don't know Amy from -- if I bumped into
2 her, I wouldn't know it was her.

3 Q. She just gave you screenshots?

4 A. No. I got the screenshots through
5 Charlie.

6 Q. Okay. So my impression is that you
7 believe Bethany was trying to cause a problem with
8 your relationship with Charlie, whatever the nature
9 of that is?

10 A. No. I believe that she was obsessed with
11 Charlie and that she was trying to target him in an
12 attempt to get at me and to put me more in fear, to
13 let me know. Because she had said different things
14 like "it's in your best interest to stay away from
15 him" and different comments like that that put me in
16 fear of having him in my life.

17 Q. So what's Amy's relationship to Charlie?
18 His wife or what?

19 A. No, I don't -- I told you before you'd
20 have to find out from them. I don't ask him those
21 questions. That's not my business. He's not
22 married, I know that. That's -- his relationship
23 with her is not my business.

24 Q. You talk to him daily?

25 A. Yeah, but we don't talk about Amy.

1 Q. Have you ever threatened Bethany?

2 A. No.

3 Q. That you would get her in trouble with law
4 enforcement, that you would have her arrested?

5 A. No. I told her that early on after the
6 initial reports that I had gone and made the report.
7 I told her that there was enough there to have her
8 arrested, but that's not what I wanted. I advised
9 her of that. I told her that.

10 Q. And when was that?

11 A. That was in -- I don't know. Sometime
12 after October 2017. But, again, if you go through
13 the text messages, you'll find it.

14 Q. It sounds like Kearney indicated to you
15 about, you know, what do you want to do as far as
16 filing stalking charges. And you told her you felt
17 the best thing for you to do, meaning you're talking
18 to Kearney, would be to go to the courthouse and you
19 were going to complete an injunction, and that was
20 in 2017.

21 Why did you not complete the injunction,
22 as you told Kearney you would at that time?

23 A. I don't recall. Does the report say I
24 said I was going to do that or that she suggests
25 that I do that?

1 Q. The best thing for her -- I inquired about
2 moving forward with stalking charges. Nicole stated
3 that she feels the best thing for her to do would go
4 to the courthouse and complete an injunction order.

5 A. And what date was that?

6 Q. September of 2017, September 16th.

7 A. I did not do it because I was in fear of
8 Beth then being put on administrative leave, which
9 is something I also expressed to her afterwards, to
10 Beth, that she be put on administrative leave and
11 have more time to think about how she was going to
12 retaliate against me.

13 Q. The report indicates that you found out
14 Bethany was suspended for an issue unrelated to her.
15 What is that about?

16 A. Beth lied to me. She said that Amy came
17 to her job and got her in trouble and she got
18 suspended due to that, that she was going to miss
19 out on 30 days of pay, she was suspended from work
20 for 30 days. But in actuality, she got -- her
21 vehicle was suspended for 30 days, not her. She
22 wasn't allowed to use her vehicle for 30 days, but
23 she was allowed to go to work.

24 Q. Because of this Amy person?

25 A. No, it had nothing to do with Amy. That

1 was a lie.

2 Q. So how did you uncover all of that?

3 A. Well, I have snapshots -- screenshots of
4 her coming to my house in uniform right afterwards
5 dropping things off in the front for K [REDACTED], which
6 supports the fact that she did go to work.

7 Q. No, how did you find out about this Amy --
8 whole drama with Amy and --

9 A. Beth told me.

10 Q. Okay.

11 A. Beth was the one who told me.

12 Q. By text message?

13 A. Yes. And via -- she was FaceTiming
14 K [REDACTED] and started the conversation that way when
15 she was FaceTiming K [REDACTED] that she had been
16 suspended.

17 Q. Who was your accountant that was involved
18 in the communications about tax credits? What's his
19 name?

20 A. David Tifern (phonetic).

21 Q. Did you have adoption lawyers help with
22 the adoption with K [REDACTED]?

23 A. It was through DCF, I believe. We
24 fostered K [REDACTED] first.

25 Q. Right.

1 And who's your contact at DCF for that?

2 Like, was there a main person you worked with?

3 A. I have -- I have no idea.

4 Q. You would agree that there are significant
5 time periods, as substantiated by the text messages,
6 where you all are getting along with each other?

7 A. How do you define significant time
8 periods?

9 Q. Well, let me ask you this: Were there
10 periods of time, as evidenced by the text messages,
11 where you were getting along with Bethany?

12 A. Yes.

13 Q. And Bethany was getting along with you?

14 A. Yes.

15 Q. Can you put a time frame to that as far as
16 weeks?

17 A. No.

18 Q. Months?

19 A. No.

20 Q. There was a time when you discussed having
21 Thanksgiving dinner together?

22 A. Yes.

23 Q. What time frame was that?

24 A. Thanksgiving time.

25 Q. What year?

1 A. I don't know.

2 Q. What did Kearney tell you about her
3 insight into the case?

4 What did Kearney tell you as a victim in
5 this case about -- especially since she had this
6 kind of inside knowledge of Bethany and having that
7 contact with her? What did she tell you?

8 A. She didn't provide me any insight.

9 Q. Just what's in the report?

10 A. Correct.

11 Q. During the time period that there was a
12 suggested abatement of the divorce proceedings, what
13 was the nature of your relationship during that time
14 period?

15 This would have been from February of 2018
16 through, like, that 90 day suggested time period?

17 A. I never made that suggestion. I never
18 agreed to an abatement, as you put it. I don't know
19 the context of that because I never agreed to that.

20 Q. Well, the time period February 23rd, for
21 the 90 days after that, what was the nature of the
22 relationship during that time frame?

23 A. In 2018?

24 Q. Yes.

25 A. That's -- in February 2018 is when I found

1 out she was tracking my WhatsApp.

2 Q. What time period?

3 A. February 2018.

4 Q. Did you indicate that to your attorney?

5 A. Yes.

6 Q. Does DCF still come to your home to check
7 up on the well-being of K [REDACTED] and the status of
8 things there?

9 A. No.

10 Q. There's no obligation to report back about
11 her well-being?

12 A. No.

13 Q. To anybody?

14 A. No.

15 Q. Okay.

16 A. Are you trying to remove the child from my
17 home?

18 Q. No. Just asking.

19 Is everything you told DCF in the context
20 of adopting the child true?

21 A. At that time.

22 Q. Have you advised the current chief of the
23 status of this?

24 I know we talked about your other
25 higher-ups, but have you talked to anybody else in

1 the department as far as, you know, what's going on
2 with this or apprising them other than the folks
3 that we talked about?

4 A. I'm a little bit confused because at first
5 you asked did I make the chief aware and then you
6 changed it.

7 Q. The current chief, the new one.

8 A. So it went through the chain of command,
9 and he's been made aware through the chain of
10 command.

11 Q. Did you talk to him directly about it
12 or --

13 A. No.

14 Q. Then who would have -- who would have told
15 him?

16 A. It would have been the assistant chief.

17 Q. And how do you know that?

18 A. Because it's -- the chain of command would
19 go from captain to assistant chief to chief.

20 Q. Right. But were there e-mails that told
21 you that? Did you --

22 A. No. You're asking me --

23 Q. You just assumed?

24 A. Yeah.

25 Q. Okay. Would there be documentation about

1 that?

2 A. You'd have to ask them.

3 Q. So you're just assuming based on protocol
4 that that's what would have happened?

5 A. Correct.

6 Q. So you write in this restraining order
7 petition that the consistent text messages and
8 e-mails, which total 46,000 from 2017 to 2018, have
9 not only caused me substantial emotional distress,
10 but they've also created a well founded fear and
11 concern for safety, right?

12 A. Yes.

13 Q. You would agree that that impression, that
14 there are 46,000 e-mails or text messages, is not
15 accurate because some of those were your own,
16 correct?

17 A. There are 46,000 text messages.

18 Q. Between the two of you, right?

19 A. Correct.

20 Q. Okay. So it's not -- you cannot represent
21 to Judge Burton that this is one-sided, that you
22 didn't have some communication on the other side of
23 this?

24 A. No. And I don't believe in that petition
25 I said 46,000 text messages from her. I just stated

1 that there were 46,000 text messages.

2 Q. You state consistent text messages and
3 e-mails which total 46,000 have not only caused me
4 distress.

5 A. Right.

6 Q. But in that --

7 A. And I didn't say 46 from her.

8 Q. But in that total, there are your own
9 messages, correct?

10 A. No, they're not 46,000 of my own messages.

11 Q. In that total, it would be between you and
12 Bethany?

13 A. Correct.

14 Q. Your emotional distress that you're
15 alleging here, have you sought treatment for that?

16 A. I see a therapist.

17 Q. Okay. Well, we talked earlier in the
18 context of the death of your friend. Is that the
19 same therapist?

20 A. Correct.

21 Q. Did you have an intimate relationship with
22 Braswell?

23 A. No.

24 Q. Have you taken steps to make inquiry about
25 Bethany, what she's doing, where she is?

1 Other than contacting her police
2 department where she works --

3 A. No.

4 Q. -- have you taken any steps to --

5 A. No.

6 Q. Have you contacted her family?

7 A. No.

8 MS. KING: Okay. I don't think I have any
9 further questions.

10 MS. REID: We'll waive.

11 (Witness excused.)

12 (The deposition was concluded.)

13 - - -

14 S T I P U L A T I O N

15 - - -

16 It was stipulated by counsel for the
17 respective parties and the witness that reading,
18 examination, and signing of the deposition are
19 waived.

20 - - -

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1
2
3 CERTIFICATE OF OATH
45
6 THE STATE OF FLORIDA)
7 COUNTY OF PALM BEACH)
89
10 I, Beth L. Kelly, Florida Professional
11 Reporter, Notary Public, State of Florida, certify
12 that NICOLE GUERRIERO personally appeared before me
13 on the 30th day of April, 2019, and was duly sworn.
1415
16 WITNESS my hand and official seal this 9th
17 day of May, 2019.
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BETH KELLY
MY COMMISSION # FF 940331
EXPIRES: January 7, 2020
Bonded Thru Budget Notary Services

Beth L. Kelly, FPR
Notary Public, State of Florida

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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, BETH L. KELLY, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of NICOLE GUERRIERO; that a review of the transcript was not requested; and that the transcript, Pages 1 through 111, is a true and complete record of my stenographic notes.

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Dated this 9th day of May, 2019.



Beth L. Kelly, FPR